

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JOEL STEDMAN AND KAREN
JOYCE,

Plaintiffs,

v.

PROGRESSIVE INSURANCE
COMPANY AND PROGRESSIVE
DIRECT INSURANCE COMPANY,

Defendants.

CASE NO. 2:18-cv-1254

ORDER GRANTING FINAL
APPROVAL OF CLASS ACTION
SETTLEMENT

THIS MATTER came before the Court on Plaintiffs' unopposed Motion for Final Approval. The Court has considered all materials submitted in support of the proposed Settlement Agreement, including the preliminary and final approval motions, all documents and exhibits filed in support thereof, and record in the case¹.

Having considered these materials and the statements of counsel at the Final Approval Hearing on January 17, 2024, the Court, being fully advised, has determined that the proposed Settlement Agreement should be approved as fair,

¹ The definitions set forth in the parties' Settlement Agreement, and the Court's Order Granting Preliminary Approval of Proposed Class Action Settlement ("Preliminary Approval Order") are hereby incorporated herein as though fully set forth herein.

adequate, and reasonable. To reach this determination, the Court FINDS the following:

1. The Court has jurisdiction over the subject matter of this action and all parties, including members of the Settlement Classes previously certified by the Court, which is comprised of:

All insureds, as defined within Progressive's Automobile Policy, and all third-party beneficiaries of such coverage, under any Progressive insurance policy effective in the state of Washington between July 24, 2014 and the present, for whom Progressive limited benefits, terminated benefits, or denied coverage based, even in part, upon its determination that its insured or beneficiary had reached "maximum medical improvement" or a "fixed and stable" condition.

2. On or about November 13, 2023, the Settlement Administrator began distributing the Court-approved Notice and Claim Form to Settlement Class members, by direct U.S. Mail and e-mail. The Settlement Administrator also posted copies of the materials on a settlement website. The Court finds that the program of individual mailing Class Notices to Class Members by U.S. Mail and e-mail (where available) provided the best practicable notice under the circumstances.

3. The Notices provided detailed information regarding this Litigation, including the Class definition, the parties' respective claims and defenses, relief available to Settlement Class Members, and the procedures for appearing, objecting, or opting out prior to final approval.

4. The Settlement Administrator's declaration confirms that the Notice Program was timely completed in accordance with the terms of the Settlement Agreement and Preliminary-Approval Order. The Court finds and concludes that

1 the notice program fully satisfied the requirements of Federal Rule of Civil
2 Procedure 23(c)(2)(B), and the requirements of due process.

3 5. Zero (0) objections were received.

4 6. Zero (0) exclusion requests were received.

5 7. The Agreement was the result of arm's length negotiations between
6 Class Counsel and counsel for the Defendants. Further, Class Counsel and the
7 Class Representatives have adequately represented the interests of the Settlement
8 Class.

9 8. The Agreement provides adequate relief to the Settlement Class. To
10 reach this determination, the Court considered the likelihood of success in respect
11 to the claims of the Settlement Class, and Defendants' available defenses. The
12 Court has also considered the status and extent of the Parties' investigation,
13 research, discovery, and negotiation. Finally, the Court considered the costs and
14 risks associated with further litigation, and the potential delays presented by trial
15 and subsequent appeals.

16 9. The Court has appointed Badgley Mullins Turner, PLLC, the Law
17 Offices of Daniel R. Whitmore, and the Law Offices of Randall C. Johnson as Class
18 Counsel.

19 10. The Court awards Class Counsel \$700,000 in attorney's fees, and
20 \$10,688.55 in costs, to be paid from the gross settlement fund, as described in the
21 Court's Order Granting Plaintiffs' Motion for Award of Attorneys' Fees.

22 11. Also as described in the Court's Order Granting Plaintiffs' Motion for
23 Award of Attorneys' Fees, the Court awards \$5,000 as an incentive award for each

1 of the individual Plaintiffs/Class Representatives in recognition of their contribution
2 to this litigation and advocacy on behalf of their fellow Class Members.

3 Good cause appearing therefore, it is hereby **ORDERED, ADJUDGED,**
4 **AND DECREED THAT:**

5 12. The Settlement is fair, reasonable, and adequate.

6 13. The awards and manner of payment for attorneys' fees, costs, and
7 incentive awards are fair, reasonable, and adequate.

8 14. The Parties are directed to proceed with the Settlement Payment
9 procedures specified in the Settlement Agreement.

10 15. The Parties are also authorized without further approval from the
11 Court, to mutually agree to and adopt such amendments, modifications and
12 expansions of the Settlement Agreements and all exhibits thereto as are consistent
13 in all material respects with this Final Approval Order, the Court's Order Granting
14 Plaintiffs' Motion for Award of Attorneys' Fees, the Settlement Agreement, and that
15 do not otherwise limit any substantive rights of the Settlement Class.

16 16. Without affecting the finality of this Order for purposes of appeal, the
17 Court reserves jurisdiction over the Parties as to all matters relating to the
18 administration, consummation, enforcement, and interpretation of the Settlement
19 Agreement, the Final Approval Order, the Court's Order Granting Attorneys' Fees
20 and Costs, and Incentive Awards, and for any other necessary purposes.

21 17. The Settlement Agreement is given full force and effect, and Class
22 Representatives and individual Settlement Class Members' Released Claims, as
23 articulated in the Settlement Agreement, are released and forever discharged.

IT IS SO ORDERED.

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